

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, AUGUST 17, 2015 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Fellers; Council Members: Camp, Christensen, Eskridge, Gaylor Baird, Lam., Raybould, City Clerk, Teresa J. Meier.

Council Chair Fellers announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

RAYBOULD Having been appointed to read the minutes of the City Council proceedings of August 10, 2015, reported having done so, found same correct.

Seconded by Camp and carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

**PUBLIC HEARING**

APPLICATION OF NEBRASKA FRESH MEX, INC. DBA CHEVY'S FRESH MEX FOR A CLASS IK LIQUOR LICENSE AT 5500 SOUTH 56TH STREET;

MANAGER APPLICATION OF CRAIG A. SCHREIBER FOR NEBRASKA FRESH MEX, INC. DBA CHEVY'S FRESH MEX AT 5500 SOUTH 56TH STREET - Tim O'Neill, Attorney, Harding & Shultz, 121 S. 13th St., Suite 800, came forward, took the oath, and requested approval.

This matter was taken under advisement.

MANAGER APPLICATION OF LISA M. FRYDA FOR MARCUS LINCOLN HOTEL, LLC DBA MARRIOTT CORNHUSKER AT 333 SOUTH 13TH STREET - Lisa Fryda, 18101 N. 1<sup>st</sup>, Davey NE, came forward and took the oath. She said the division for the Theater and Hotel are tied together through Marcus and they like to keep the liquor management together and local.

This matter was taken under advisement.

MANAGER APPLICATION OF RENEE L. SNIDER FOR WALGREEN CO. DBA WALGREENS #01162 AT 8300 NORTHERN LIGHTS DRIVE, WALGREENS #03182 AT 7045 O STREET, WALGREENS #04088 AT 2502 NORTH 48TH STREET, WALGREENS #06884 AT 4000 SOUTH 70TH STREET, WALGREENS #02845 AT 5701 VILLAGE DRIVE, WALGREENS #05874 AT 2630 PINE LAKE ROAD, WALGREENS #11089 AT 5500 RED ROCK LANE, WALGREENS #00515 AT 2600 SOUTH 48TH STREET, SUITE 7, AND WALGREENS #00541 AT 1301 O STREET - Renee Snider, 11920 W. Beam Hill Rd, Denton NE, came forward and took the oath. She stated they have had a change in management and that is why she is here today.

This matter was taken under advisement.

APPLICATION OF MEIER'S WINE, INC. DBA MEIER'S CORK 'N BOTTLE FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 250 FEET BY 150 FEET AT SUNKEN GARDENS AT 27TH STREET AND CAPITAL PARKWAY ON AUGUST 27, 2015 FROM 5:30 P.M. TO 9:30 P.M. - Kenneth Meier, 1244 Smith St., came forward and stated that this event is a fund raiser for Lincoln Parks.

This matter was taken under advisement.

APPLICATION OF BREWSKY'S FOOD & SPIRITS HAYMARKET, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 220 FEET BY 220 FEET AT PIONEERS PARK NATURE CENTER AT 3201 SOUTH CODDINGTON ON AUGUST 29, 2015 FROM 3:00 P.M. TO 8:00 P.M. - Jim Mumgard, 8528 Park Dr., Omaha NE, came forward and stated that this event was a fund raiser for the Pioneers Park Nature Center.

This matter was taken under advisement.

APPLICATION OF ZIPLINE BREWING CO. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 190 FEET BY 195 FEET AT LINCOLN JOURNAL STAR PARKING LOT AT 9TH AND R STREETS ON AUGUST 27, 2015 FROM 3:30 P.M. TO 8:30 P.M. - Craig Reier, 1524 Skyline Dr., came forward and stated that the Journal Star will be hosting a Midwest Food Fest. This will be open to the public with food trucks, mobile restaurants and food vendors. This will help support the Food Bank and newspaper and educational programs.

This matter was taken under advisement.

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APPLICATION OF ANNUNCIATION GREEK ORTHODOX CHURCH FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 230 FEET BY 116 FEET AT 950 NORTH 63RD STREET ON AUGUST 28, 2015 FROM 4:00 P.M. TO 10:00 P.M. AND AUGUST 29, 2015 FROM 11:00 A.M. TO 10:00 P.M. - Fani Deligiannis, 3031 Diadem Dr., came forward and stated they are having their 5<sup>th</sup> Annual Greek Festival.

This matter was taken under advisement.

APPLICATION OF BLUE BLOOD BREWING CO. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 70 FEET BY 90 FEET AT 500 WEST SOUTH STREET, SUITE 8 ON AUGUST 28, 2015 FROM 5:00 P.M. TO 11:30 P.M. - Colby Coash, 500 W. South St, #200, came forward and stated they are hosting a fund raiser for the Willard Community Center.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JULY 16-31, 2015 - Tyler Weisshaar, 1810 E St., #210, came forward with questions on the claim he filed on July 20<sup>th</sup> against the Lincoln Police Dept. He said as he was being apprehended by LPD on July 13<sup>th</sup> and had asked LPD to lock his apartment and when this was not done, his apartment was broken in to the next day. He said he submitted documentation of the \$1,000.00 worth of items stolen.

Jeff Kirkpatrick, City Attorney, came forward and stated that when LPD made contact with Mr. Weisshaar, he was outside of his apartment. LPD never had the occasion to go to his door, enter the residence or check if it was locked or not. They are not disputing whether or not his apartment was broken in too, but the claim was denied as LPD was not in the apartment and were not responsible for the security of the apartment. LPD officers were more concerned with Mr. Weisshaar's safety then the safety of his property.

This matter was taken under advisement.

APPROVING DOWNTOWN LINCOLN ASSOCIATION'S 2015-2016 BID BUDGET AND PROGRAM OF WORK FOR DOWNTOWN AND WEST HAYMARKET MANAGEMENT AND MAINTENANCE BUSINESS IMPROVEMENT DISTRICTS - David Landis, Urban Development Director, came forward and stated the City of Lincoln has a relationship with the business improvement district for the downtown area. Half of the work they do is in a management agreement and provides a series of management services. The other half is the portion we (the City) assist with and includes the maintenance side. The maintenance contribution is \$286,00.00 and without a business improvement district the maintenance would be a public function. Their membership provides \$297,000.00 and the total of the management budget is \$715,000.00.

Terry Uland, President of the Downtown Lincoln Association, came forward and stated that he appreciates the working relationship they have had with the City and Council all these years. He said the management side is the promotion of events, the Railyard, the marketing on their website and general outreach to businesses that are interested in the downtown area.

This matter was taken under advisement.

APPROVING A LETTER AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN FIREFIGHTERS ASSOCIATION (IAFF, LOCAL 644) AMENDING THE 2014-2015 LABOR CONTRACT REGARDING THE FIRE CAPTAINS PROMOTIONAL PROCESS FOR 2015 - Doug McDaniel, Human Resources Director, came forward and stated they are amending the current testing process for Captains. Since neither the City and IAFF were satisfied with the current testing process, they agreed to go out and search for a new vendor. With a new vendor in place, there is now the need to amend the contract.

Council Member Camp asked if the testing could be explained.

Mr. McDaniel said along with the multiple choice written exams, there will now be an assessment center designed by the vendor that includes critical thinking processes and evaluation.

Council Member Gaylor Baird questioned if practices from other cities were looked at in helping to formulate this new revised version for Lincoln.

Mr. McDaniel said this one of the reasons they went with this vendor is because this vendor does the most testing across the country.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND BKD, LLP FOR AUDITING SERVICES FOR ALL CITY FUNDS EXCEPT LINCOLN ELECTRIC SYSTEM, LINCOLN WATER SYSTEM, AND LINCOLN WASTEWATER SYSTEM AND APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND MCGGLADREY, LLP FOR AUDITING SERVICES FOR LINCOLN WATER AND LINCOLN WASTEWATER FUNDS, FOR THE FISCAL YEARS ENDING AUGUST 31, 2015, 2016, 2017, AND 2018 - Steve Hubka, City Finance Director, came forward and stated every 4 years they go out for proposals for the City auditing services. McGladrey LLC, CPA's is proposed to be hired for the City water and wastewater audits. BKD, represented by Chris Lindner, is here for the City audit, the single audit, EMS audit, solid waste audit and parking system audit. He said some of

these are audited separately because of review bonds which makes it a necessity to have separately audited financial statements. They had a committee that Council Member Christensen served on to help select these firms for these services. The audits will begin after the start of our Fiscal Year.

Chris Lindner, Audit Director with BKD CPA's, 1248 O St, Ste 1040, came forward and stated they have had a relationship with the City for several years.

Council Member Gaylor Baird asked if there have been any significant changes since the last audit 4 years ago.

Mr. Hubka said the only change is that we now have a separate firm for water and wastewater.

This matter was taken under advisement.

AMENDING SECTION 9.44.090 OF THE LINCOLN MUNICIPAL CODE RELATING TO FIREWORKS TO PROVIDE THAT ANY PUBLIC FIREWORKS EXHIBITION SHALL CEASE BY 11:59 P.M. - Charlie Meyer with the Lincoln Saltdogs and Nebco, 403 Line Dr. Circle, Ste A, came forward and stated that with the investment they are making in fireworks to do shows for the fans at Haymarket Park, he would like to see the deadline moved from 11:00 pm to 11:59.

Jeff Kirkpatrick, City Attorney, came forward and said that the ordinance change before Council does not apply to just Haymarket Park, but applies to any public display.

Council Member Eskridge asked if this would apply to Memorial Stadium.

Mr. Kirkpatrick stated yes as it would be considered a public display of fireworks. It could be a violation of city code with a penalty of \$500.00, 6 months in jail or both.

This matter was taken under advisement.

APPROVING THE CLOSE OUT OF COMPLETED CONSTRUCTION PROJECTS AND TRANSFER OF UNSPENT APPROPRIATIONS AND CASH (IF ANY) FROM VARIOUS PROJECTS TO PROJECTS WHERE ADDITIONAL FUNDING IS NEEDED WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT AND THE PARKS & RECREATION DEPARTMENT - Donna Gardner, Public Works Dept., came forward and stated that this transfer is done every year and is required by their charter and allows them to balance their revenues and expenses for various capital improvement programs. The four major funds include water, wastewater, solid waste and streets. Discussion followed.

Lynn Johnson, Parks and Recreation Director, came forward and stated they have three projects that are part of the CIP budget transfer ordinance. From the Centennial Mall project, which was allocated \$1.1 million dollars of Keno funding, they are proposing to redirect \$150,000.00 of those funds to the N Street Bikeway Project, and \$360,000.00 to the Woods Park Tennis Center Renovation Project, and \$140,000.00 to the Maintenance Facility Greenhouse project. They have worked with the Lincoln Parks Foundation for about 13 years and have been involved in a number of capital campaigns. Mr. Johnson provided Council with a funding outline that showed a total of 5 projects that have been completed at this point. The City contribution to these projects has ranged from 9% to about 43%. The action today would bring the total City commitment to the Woods Park Tennis Center Project to \$460,000.00, which would be 8.2% of the overall campaign and makes it well within the range of other projects.

Council Member Lamm asked if the Centennial Mall was fully funded.

Mr. Johnson said that it was fully funded and that they are not changing the appropriations to that project. There is some additional TIF revenue from a project that encompasses Lincoln Mall and Centennial Mall that provides the opportunity to utilize those funds and frees up some Keno Funds that they can direct to the other two projects.

Council Member Gaylor Baird asked if Mr. Johnson could explain about the City's relationship with the Woods Park Tennis Center and the public value of this investment.

Mr. Johnson said the relationship the City has with the Woods Park Tennis Center is similar to the relationship with the Lincoln Children's Zoo and the Lincoln Children's Museum. The City owns the facility and there is an agreement with the Friends of Woods Tennis who operate the facility on a day to day basis. We are fortunate to have this group in place. The air structures that currently cover the courts will be replaced with hard structures which provides sustainability of the program. He said Kevin Heim Executive Director of the Woods Tennis Center, and his staff have done an amazing job with programming. At the end of this renovation, there will be expanded or enhanced opportunities to bring additional tournaments and visitors to Lincoln.

Kevin Heim, Executive Director of the Woods Tennis Center, came forward and stated he appreciated the opportunity to share their mission and depth of their programming across the community. He gave an overview of what the Tennis Center offers. The adult program, including leagues and lessons, is the second largest in the State and the junior program is not only the largest in the State, but also the largest in the Missouri Valley Region. Routine maintenance that used to take place twice a year now happens 12 or more times and, even under these conditions, the strength of his staff has allowed programming to be at capacity nearly every hour of the day seven days a week. Discussion followed.

Rick Haith, 5401 South St., Madonna Rehabilitation Hospital, an outpatient recreation therapist, is the adaptive sports coordinator and came forward in support of this project.

Christie Dionisopoulos, Director of the Lincoln Parks Foundation, came forward in support of this project.

Margaret Donlan, 510 Lakewood Dr., came forward in support of this project.

Mark Whitehead, 2537 Randolph, came forward in support of this project.

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Sandra Hilsabeck Hastings, no address given, came forward and stated she started at Woods back in the 70's and it taught her enough to become the coach at Nebraska Wesleyan. She now sees her players playing at the Woods Tennis Center all the time.

Jayne Sebby, 320 S. 29<sup>th</sup> St, Woods Park Neighborhood Association, came forward in support of this project and presented a \$500.00 check to the Woods Tennis Center. She said Mr. Heim and his staff have done wonders for the project and urged the Councils support.

Jane Kinsey, Watch Dogs of Lincoln Government, came forward and inquired how much money does the City have to giveaway to every project presented. She said those that will benefit from this are not in the largest demographic group in the City, and more than \$100,000.00 is not an appropriate amount. Discussion followed.

Roger Figard, Public Works, came forward and gave an overview of the street construction transfers and said they are fairly conservative in the budgeting to start with. They do get another source of revenue on a regular basis but it's amount is not known, and that is the Impact Fees which are split into 5 or 6 Districts. Those dollars do come with some restrictions. However, this does free up wheel tax and state gas tax dollars that can be used on any arterial type projects. Our goal is always to use up the dollars that have the most strings and conditions first which frees up other dollars for more flexibility. Discussion followed.

This matter was taken under advisement.

APPROVING THE WEST HAYMARKET TDP PHASE III REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND TDP PHASE THREE, LLC RELATING TO THE REDEVELOPMENT OF PROPERTY ON PRIVATE PROPERTY GENERALLY BOUNDED BY P STREET, HALF BLOCK SOUTH OF Q STREET, HALF BLOCK EAST OF ARENA DRIVE, CANOPY STREET, AND THE ADJACENT RIGHTS OF WAY IN GREATER DOWNTOWN LINCOLN. (RELATED ITEMS: 15R-175, 15R-176, 15-101, 15R-170);

AMENDING THE FY 2014/15 CIP TO AUTHORIZE AND APPROPRIATE \$6,000,000 IN TIF FUNDS FOR THE WEST HAYMARKET TDP PHASE III REDEVELOPMENT PROJECT. (RELATED ITEMS: 15R-175, 15R-176, 15-101, 15R-170);

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED THE AMOUNT OF \$6,000,000 FOR THE CITY OF LINCOLN, WEST HAYMARKET TDP PHASE III REDEVELOPMENT PROJECT IN GREATER DOWNTOWN LINCOLN. (RELATED ITEMS: 15R-175, 15R-176, 15-101, 15R-170);

APPROVING FAST FORWARD FUNDS FOR THE CONSTRUCTION OF A SKYWALK BRIDGE CONNECTING THE TDP PHASE THREE OFFICE BUILDING (HUDL HEADQUARTERS) TO THE JPA GREEN 2 PARKING GARAGE. (RELATED ITEMS: 15R-175, 15R-176, 15-101, 15R-170) - David Landis, Urban Development Director, came forward and stated Hudl and Nelnet would like to partner and build a 110 foot 7 story building on block 2 of the West Haymarket Project. This is about \$32 million in total investments, which includes \$6 million in TIF financing, and will allow for a location of at least 300 jobs. There will be retail on the first floor and a skywalk connecting it to the parking garage. TIF will be used for the cost of the land at \$33.00 per square foot, streetscape improvements at \$300,000.00, plaza design and enhancement at \$400,000.00, energy enhancements at \$1.4 million, DEC Capital cost \$205,000.00 and facade cost of \$2 million. Fast Forward Funds of \$600,000.00 will be dedicated to the creation of the skywalk. This project represents a significant investment in Downtown. Discussion followed.

Rick Peo, City Law Dept., came forward and said one primary safeguard for the JPA is for the redeveloper to provide and pay any shortfall in TIF tax revenues that might come in for annual repayment. The second benefit is that there is a second TIF bond of \$1 million, which is subordinate to the JPA, so there is a cushion there and the likelihood of the JPA not receiving their repayment is fairly slim.

Steve Hubka, City Finance Director, stated there would be quite a bit of return for the JPA in investments available to us in the Marketplace right now. Parking will definitely be increased and will be a huge benefit for garage usage. Discussion followed.

Tom Huston, Attorney, 233 S 13<sup>th</sup> St, Ste 1900, came forward on behalf of the developer, TDP Phase 3, which is comprised of B& J Partnership, Chief Industries, Nelnet and WRK. Hudl and Nelnet will be occupying the building. He said the architects from Sinclair Hille have done a "yeomans job" in catching up on the design to where they needed it to be to get this project going in such a quick fashion. He asked Council for their support of the project and wanted to mention the great cooperation from the City of Lincoln, the Mayor's Office, Urban Development and the Planning Department.

Jeff Noordhoek, Chief Executive Office for Nelnet, came forward and stated they are excited to support the continued growth and success of Hudl in Lincoln with a new headquarters in West Haymarket. Nelnet will utilize a portion of the space in the new building to accommodate for much needed room for their future growth. He highly encouraged Council's support for the Hudl world headquarters.

John Prauner, Facilities Manager at Hudl, came forward and gave some background on the HUDL company and said they are now the biggest company in their industry of sports video editing software. They want as much growth as possible to come to Lincoln, with the reasoning that the founders are Nebraska grads, the Haymarket has always been their home, they have strong connections to the University, and the cost of business here in Lincoln makes a lot of sense for them. The proposed building will bring them back together in one building as a company and it will keep talented people here in Lincoln and will allow them to bring smart people from across the country to live in Lincoln. Discussion followed.

Pat Haverty, Vice President of Economic Development/Lincoln Partnership for Economic Development, came forward and said he is in support of the use of the \$600,000.00 for the Fast Forward Funds.

Jane Kinsey, Watch Dogs of Lincoln Government, came forward with concerns about the over 100 projects on the TIF rolls that takes money from the City budget and urges Council to be independent thinkers and have second thoughts about giving money to these private companies.

Council Member Gaylor Baird said that one of things as policy makers they have to consider is the use of Fast Forward Funds and what that return on investments will be.

Mr. Landis came forward and said as an example, in most States they do not have a uniform proportionate clause to their taxation rules and we do in Nebraska. If Hudl was to go anyplace else in the country, they would dwarf the amount of incentives they are receiving in Lincoln Nebraska. The amount of incentives they are asking is enough to make the project work for them in this location with this design. The tax dollars involved belong to Hudl, Speedway and WRK they are not from a source in the budget to pay. We allow a developer to direct their taxes for 15 years to their project to pay for public enhancements, locate in a blighted and substandard area, and bring that area back up to vitality and that is what we have here. Discussion followed. Mr. Landis said what is left in the Fast Forward Fund is about 10%, which leaves \$5.6 million. It was created in 2008 and recalls that it was one time money to be invested in a way that would produce growth so that growing a tax base and growing a workforce would be the payback. It is not a continuing source of income and no we are not replenishing it.

This matter was taken under advisement.

## **COUNCIL ACTION**

### **REPORTS OF CITY OFFICERS**

APPROVING A SUPPORT AND UPGRADE ADVANTAGE ADDENDUM AND MASTER AGREEMENT RIDER QUOTATION BETWEEN THE CITY OF LINCOLN AND N.A.C.R. FOR VOIP ANNUAL SOFTWARE MAINTENANCE, PURSUANT TO MASTER AGREEMENT NO. M225, FOR AN ADDITIONAL THREE YEAR TERM - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-89172

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Support and Upgrade Advantage Addendum and Master Agreement Rider Quotation between the City of Lincoln and N.A.C.R. for VoIP annual software maintenance, pursuant to Master Agreement No. M2256, for an additional three year term, upon the terms as set forth in said Support and Upgrade Advantage Addendum and Master Agreement Rider Quotation, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Cyndi Lamm

Seconded by Raybould and carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND INDIAN CENTER, INC. ON BEHALF OF THE MINORITY HEALTH PARTNERS' INITIATIVE TO REDUCE MINORITY HEALTH RISKS, INCLUDING ASSISTING CLIENTS WITH ACCESSING DENTAL SERVICES AND ESTABLISHING A DENTAL HOME FOR A TERM OF JULY 1, 2015 THROUGH JUNE 30, 2017 - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-89173

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Service Agreement between the City of Lincoln on behalf of the Lincoln-Lancaster County Health Department and Indian Center, Inc. on behalf of the Minority Health Partners' Initiative to reduce minority health risks, including assisting clients with accessing dental services and establishing a dental home for a term of July 1, 2015 through June 30, 2017, in accordance with the terms, conditions, and assurances contained in said Agreement is hereby approved and the Mayor is hereby authorized to execute the Service Agreement on behalf of the City.

The City Clerk is directed to return an executed copy of the Agreement to Judy Halstead, Director of the Lincoln Lancaster County Health Department.

Introduced by Cyndi Lamm

Seconded by Raybould and carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY CITY COUNCIL ON AUGUST 3, 2015. **(27-1)**

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JUNE 30, 2015 - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

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A-89174 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That during the month ended June 30, 2015 \$96,203.48 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rate basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Jane Raybould

Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

REPORT FROM CITY TREASURER OF FRANCHISE FEES FROM BLACK HILLS CORPORATION FOR THE MONTH OF APRIL, 2015 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(16-1)**

**PETITIONS & COMMUNICATIONS**

SETTING THE HEARING DATE OF MON., AUGUST 31, 2015 AT 5:30 P.M. ON THE APPLICATION OF JGWH INC DBA AMEN'S LIQUOR FOR A CLASS D LIQUOR LICENSE AT 1172 BELMONT AVENUE - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-89175 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 31, 2015 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE on the Application of JGWH Inc. dba Amen's Liquor for a Class D Liquor License at 1172 Belmont Avenue.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jane Raybould

Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

**REFERRED TO THE PLANNING DEPARTMENT:**

Change of Zone No. 2463E, requested by Olsson Associates to amend the Highpointe Planned Unit Development by changing the zoning from R-3 PUD Residential District to B-2 PUD Planned Neighborhood District, with approval of an amended development plan which proposes modifications to the Zoning Ordinance and Land Subdivision Ordinance, on property generally located at 4701 Old Cheney Road.

Use Permit No. 126D, requested by Wilderness Woods Holdings, LLC, an amendment to convert office space to apartments by increasing the number of multiple-family dwelling units from 195 to 297, and reducing the amount of office floor area from 225,000 to 174,000 square feet, on property generally located at Executive Woods Drive and Yankee Hill Road.

Change of Zone No. 15020, requested by Par 5 Partners, LLC, from Agricultural District to I-2 Industrial Park, on property generally located at 4851 North 84th Street.

Change of Zone No. 15022, requested by Baylor Evnen, from AG Agricultural District to H-3 Highway Commercial District, to allow for storage and/or contractor services on a 1-acre area, on property generally located at 70th Street and Arbor Road.

**PLACED ON FILE IN CITY CLERK'S OFFICE:**

Administrative Amendment No. 15043 to Final Plat 14093, Village Meadows 10<sup>th</sup> Addition, approved by the Acting Planning Director on July 30, 2015, requested by Olsson Associates, to accept the Affidavit of Surveyor for the corrected final plat for Village Meadows 10<sup>th</sup> Addition, generally located at S. 63<sup>rd</sup> and Yankee Hill Road.

Administrative Amendment No. 15054 to Final Plat 15007, Grandview Estates 1<sup>st</sup> Addition, approved by the Acting Planning Director on July 31, 2015, requested by Civil Design Group, to accept the Affidavit of Surveyor for the corrected final plat for Grandview Estates 1<sup>st</sup> Addition, generally located at S. 70th and Rokeby Road.

**LIQUOR RESOLUTIONS**

APPLICATION OF NEBRASKA FRESH MEX, INC. DBA CHEVY'S FRESH MEX FOR A CLASS IK LIQUOR LICENSE AT 5500 SOUTH 56TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89176 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Nebraska Fresh Mex, Inc. dba Chevy's Fresh Mex for a Class "IK" liquor license at 5500 South 56th Street, Lincoln, Nebraska, for the license period ending April 30, 2016, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage manager training course required by Section 5.04.035 of the Lincoln Municipal Code prior to receiving the liquor license from the City Clerk.

2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

3. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Raybould and carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF CRAIG A. SCHREIBER FOR NEBRASKA FRESH MEX, INC. DBA CHEVY'S FRESH MEX AT 5500 SOUTH 56TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89177 WHEREAS, Nebraska Fresh Mex, Inc. dba Chevy's Fresh Mex located at 5500 South 56th Street, Lincoln, Nebraska has been approved for a Retail Class "IK" liquor license, and now requests that Craig A. Schreiber be named manager;

WHEREAS, Craig A. Schreiber appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Craig A. Schreiber be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Raybould and carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF LISA M. FRYDA FOR MARCUS LINCOLN HOTEL, LLC DBA MARRIOTT CORNHUSKER AT 333 SOUTH 13TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89178 WHEREAS, Marcus Lincoln Hotel, LLC dba Marriott Cornhusker located at 333 South 13<sup>th</sup> Street, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Lisa M. Fryda be named manager;

WHEREAS, Lisa M. Fryda appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Lisa M. Fryda be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Raybould and carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF RENEE L. SNIDER FOR WALGREEN CO. DBA WALGREENS #01162 AT 8300 NORTHERN LIGHTS DRIVE, WALGREENS #03182 AT 7045 O STREET, WALGREENS #04088 AT 2502 NORTH 48TH STREET, WALGREENS #06884 AT 4000 SOUTH 70TH STREET, WALGREENS #02845 AT 5701 VILLAGE DRIVE, WALGREENS #05874 AT 2630 PINE LAKE ROAD, WALGREENS #11089 AT 5500 RED ROCK LANE, WALGREENS #00515 AT 2600 SOUTH 48TH STREET, SUITE 7, AND WALGREENS #00541 AT 1301 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89179 WHEREAS, Walgreen Co. dba Walgreens #01162 at 8300 Northern Lights Drive, Walgreens #03182 at 7045 O Street, Walgreens #04088 at 2502 North 48th Street, Walgreens #06884 at 4000 South 70th Street, Walgreens #02845 at 5701 Village Drive, Walgreens #05874 at 2630 Pine Lake Road, Walgreens #11089 at 5500 Red Rock Lane, Walgreens #00515 at 2600 South 48th Street, Suite 7, and Walgreens #00541 at 1301 O Street, Lincoln, Nebraska has been approved for Retail Class "D" liquor licenses, and now requests that Renee L. Snider be named manager;

WHEREAS, Renee L. Snider appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

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That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Renee L. Snider be approved as manager of these businesses for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Raybould and carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF MEIER'S WINE, INC. DBA MEIER'S CORK 'N BOTTLE FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 250 FEET BY 150 FEET AT SUNKEN GARDENS AT 27TH STREET AND CAPITAL PARKWAY ON AUGUST 27, 2015 FROM 5:30 P.M. TO 9:30 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89180 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Meier's Wine, Inc. dba Meier's Cork 'N Bottle for a special designated license to cover an outdoor area measuring approximately 250 feet by 150 feet at Sunken Gardens at 27th Street and Capitol Parkway, Lincoln, Nebraska, on August 27, 2015, between the hours of 5:30 p.m. and 9:30 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Raybould and carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF BREWSKY'S FOOD & SPIRITS HAYMARKET, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 220 FEET BY 220 FEET AT PIONEERS PARK NATURE CENTER AT 3201 SOUTH CODDINGTON ON AUGUST 29, 2015 FROM 3:00 P.M. TO 8:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89181 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Brewsky's Food & Spirits Haymarket, LLC for a special designated license to cover an outdoor area measuring approximately 220 feet by 220 feet at Pioneers Park Nature Center at 3201 South Coddington, Lincoln, Nebraska, on August 29, 2015, between the hours of 3:00 p.m. and 8:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Raybould and carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF ZIPLINE BREWING CO. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 190 FEET BY 195 FEET AT LINCOLN JOURNAL STAR PARKING LOT AT 9TH AND R STREETS ON AUGUST 27, 2015 FROM 3:30 P.M. TO 8:30 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89182 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Zipline Brewing Co. for a special designated license to cover an outdoor area measuring approximately 190 feet by 195 feet at Lincoln Journal Star Parking Lot at 9th and R Streets, Lincoln,



Nebraska, on August 27, 2015, between the hours of 3:30 p.m. and 8:30 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Raybould and carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF ANNUNCIATION GREEK ORTHODOX CHURCH FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 230 FEET BY 116 FEET AT 950 NORTH 63RD STREET ON AUGUST 28, 2015 FROM 4:00 P.M. TO 10:00 P.M. AND AUGUST 29, 2015 FROM 11:00 A.M. TO 10:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89183 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Annunciation Greek Orthodox Church for a special designated license to cover an outdoor area measuring approximately 230 feet by 116 feet at 950 North 63rd Street, Lincoln, Nebraska, on August 28, 2015, between the hours of 4:00 p.m. and 10:00 p.m. and August 29, 2015, between the hours of 11:00 a.m. and 10:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Raybould and carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF BLUE BLOOD BREWING CO. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 70 FEET BY 90 FEET AT 500 WEST SOUTH STREET, SUITE 8 ON AUGUST 28, 2015 FROM 5:00 P.M. TO 11:30 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89184 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Blue Blood Brewing Company for a special designated license to cover an outdoor area measuring approximately 70 feet by 90 feet at 500 West South Street, Suite 8, Lincoln, Nebraska, on August 28, 2015, between the hours of 5:00 p.m. and 11:30 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Raybould and carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JULY 16-31, 2015 - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-89185 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated August 3, 2015, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Keri M. Hess	\$165.06	Latitude Subrogation Services	
Larry E. Jones	1,570.00	o/b/o Auto-Owners Insurance	
Tyler Weisshaar	1,000.00	as subrogee of Scott Cratsenberg	\$329.00
		Megan Beacom	\$354.00
		Abraham Alfatemi	4,625.00
		Harlan Priesman	145.00

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Cyndi Lamm

Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPROVING DOWNTOWN LINCOLN ASSOCIATION’S 2015-2016 BID BUDGET AND PROGRAM OF WORK FOR DOWNTOWN AND WEST HAYMARKET MANAGEMENT AND MAINTENANCE BUSINESS IMPROVEMENT DISTRICTS - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-89186 WHEREAS, the City of Lincoln has entered into a contract with the Downtown Lincoln Association for the provision of services within the various Downtown and West Haymarket/Downtown Management and Maintenance Business Improvement Districts; and

WHEREAS, said contract requires the submittal of a work plan and annual budgets for work to be performed in the Downtown and West Haymarket/Downtown Management and Maintenance Districts by the Downtown Lincoln Association.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached 2015-2016 Maintenance and Management BID Budgets and Program of Work to be performed by the Downtown Lincoln Association for the period of September 1, 2015 to August 31, 2016 which is attached hereto and marked as Attachment “A” is hereby approved.

Introduced by Cyndi Lamm

Seconded by Raybould and carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPROVING A LETTER AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN FIREFIGHTERS ASSOCIATION (IAFF, LOCAL 644) AMENDING THE 2014-2015 LABOR CONTRACT REGARDING THE FIRE CAPTAINS PROMOTIONAL PROCESS FOR 2015 - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-89187 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Letter Agreement between the City of Lincoln and the Lincoln Firefighters Association (IAFF, Local 644) amending the 2014-2015 labor contract regarding the Fire Captain Promotional Process for 2015 is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Cyndi Lamm

Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND BKD, LLP FOR AUDITING SERVICES FOR ALL CITY FUNDS EXCEPT LINCOLN ELECTRIC SYSTEM, LINCOLN WATER SYSTEM, AND LINCOLN WASTEWATER SYSTEM AND APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND MCGLADREY, LLP FOR AUDITING SERVICES FOR LINCOLN WATER AND LINCOLN WASTEWATER FUNDS, FOR THE FISCAL YEARS ENDING AUGUST 31, 2015, 2016, 2017, AND 2018 - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-89188 WHEREAS, the City Council is required by Article IV, Section 8 of the Charter of the City of Lincoln to contract with certified public accountants to make independent audits of all City funds and accounts in accordance with accepted auditing practices as of the end of the fiscal year; and

WHEREAS, BKD, L.L.P., Certified Public Accountants, are willing to provide such an audit of all City of Lincoln funds except Lincoln Electric System, Lincoln Water System, and Lincoln Wastewater System, for fiscal years ending August 31, 2015, 2016, 2017, and 2018.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska,  
That the attached Letter of Agreement, marked as Exhibit "A" and made a part hereof as though fully set forth verbatim between BKD, L.L.P., and the City of Lincoln, Nebraska, which provides for an audit of City of Lincoln funds except Lincoln Electric System, Lincoln Water System, and Lincoln Wastewater System, for fiscal years ending August 31, 2015, 2016, 2017, and 2018, upon the terms and conditions contained therein is hereby accepted and approved.

WHEREAS, the City Council is required by Article IV, Section 8 of the Charter of the City of Lincoln to contract with certified public accountants to make independent audits of all City funds and accounts in accordance with accepted auditing practices as of the end of the fiscal year; and

WHEREAS, McGladrey, L.L.P., Certified Public Accountants, are willing to provide such an audit of all City of Lincoln Water and Wastewater Funds for fiscal years ending August 31, 2015, 2016, 2017, and 2018.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Letter of Agreement, marked as Exhibit "B" and made a part hereof as though fully set forth verbatim between McGladrey, L.L.P., and the City of Lincoln Water and Wastewater Funds, which provides an audit of City of Lincoln Water and Wastewater Funds for the fiscal years ending August 31, 2015, 2016, 2017, and 2018, upon the terms and conditions contained therein is hereby accepted and approved.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign said Letter of Agreements with BKD, L.L.P. and McGladrey, L.L.P. on behalf of the City.

Introduced by Cyndi Lamm

Seconded by Raybould and carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

#### **ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)**

AMENDING SECTION 9.44.090 OF THE LINCOLN MUNICIPAL CODE RELATING TO FIREWORKS TO PROVIDE THAT ANY PUBLIC FIREWORKS EXHIBITION SHALL CEASE BY 11:59 P.M. - CLERK read an ordinance, introduced by Cyndi Lamm, amending Section 9.44.090 of the Lincoln Municipal Code relating to Fireworks to provide that any public fireworks exhibition shall cease by 11:59 p.m.; and repealing Section 9.44.090 of the Lincoln Municipal Code as hitherto existing, the second time.

APPROVING THE CLOSE OUT OF COMPLETED CONSTRUCTION PROJECTS AND TRANSFER OF UNSPENT APPROPRIATIONS AND CASH (IF ANY) FROM VARIOUS PROJECTS TO PROJECTS WHERE ADDITIONAL FUNDING IS NEEDED WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT AND THE PARKS & RECREATION DEPARTMENT - CLERK read an ordinance, introduced by Cyndi Lamm, eliminating certain appropriations and approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Water Fund, Wastewater Fund, Street Construction Fund, and Solid Waste Fund for the Public Works & Utilities Department; and within the Keno Fund for the Parks & Recreation Department, the second time.

APPROVING THE WEST HAYMARKET TDP PHASE III REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND TDP PHASE THREE, LLC RELATING TO THE REDEVELOPMENT OF PROPERTY ON PRIVATE PROPERTY GENERALLY BOUNDED BY P STREET, HALF BLOCK SOUTH OF Q STREET, HALF BLOCK EAST OF ARENA DRIVE, CANOPY STREET, AND THE ADJACENT RIGHTS OF WAY IN GREATER DOWNTOWN LINCOLN. (RELATED ITEMS: 15R-175, 15R-176, 15-101, 15R-170)

AMENDING THE FY 2014/15 CIP TO AUTHORIZE AND APPROPRIATE \$6,000,000 IN TIF FUNDS FOR THE WEST HAYMARKET TDP PHASE III REDEVELOPMENT PROJECT. (RELATED ITEMS: 15R-175, 15R-176, 15-101, 15R-170)

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED THE AMOUNT OF \$6,000,000 FOR THE CITY OF LINCOLN, WEST HAYMARKET TDP PHASE III REDEVELOPMENT PROJECT IN GREATER DOWNTOWN LINCOLN. (RELATED ITEMS: 15R-175, 15R-176, 15-101, 15R-170) - CLERK read an ordinance, introduced by Cyndi Lamm, authorizing and providing for the issuance of City of Lincoln, Nebraska tax allocation bonds, notes or other obligations, in one or more taxable or tax-exempt series, in an aggregate principal amount not to exceed \$6,000,000 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain improvements within the City's TDP Redevelopment Project Area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the bonds, notes or other obligations; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bonds, notes or other obligations as the same become due; limiting payment of the bonds, notes or other obligations to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the Finance Director to exercise his independent discretion and

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judgment in determining and finalizing certain terms and provisions of the bonds, notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the second time.

APPROVING FAST FORWARD FUNDS FOR THE CONSTRUCTION OF A SKYWALK BRIDGE  
CONNECTING THE TDP PHASE THREE OFFICE BUILDING (HUDL HEADQUARTERS) TO THE  
JPA GREEN 2 PARKING GARAGE. (RELATED ITEMS: 15R-175, 15R-176, 15-101, 15R-170)

**ORDINANCES - 3<sup>rd</sup> READING & RELATED RESOLUTIONS**

CHANGE OF ZONE 13004B - APPLICATION OF TDP PHASE ONE, LLC, TO AMEND ORDINANCE NO.  
19870, RELATING TO THE RAILYARD SPECIAL SIGN DISTRICT TO ALLOW TWO  
SPONSORSHIP SIGNS FOR THE RAILYARD AND LIMITED ADVERTISING ON THE CUBE, ON  
PROPERTY GENERALLY LOCATED AT NORTH 7TH STREET AND Q STREET. (RELATED  
ITEMS: 15-75, 15R-162) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending  
Ordinance No. 19870 relating to the Railyard Special Sign District by amending Section 4 to reflect that the  
Cube has been installed; by amending Section 5 to allow two sponsorship signs for the Railyard, a  
sponsorship sign for the Cube, and limited advertising on the Cube; and repealing Section 4 and Section 5  
of Ordinance No. 19870 as hitherto existing, the third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Eskridge,  
Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

The ordinance, being numbered **#20231**, is recorded in Ordinance Book 29.

APPROVING AMENDMENT NO. 1 TO THE WEST HAYMARKET REDEVELOPMENT AGREEMENT  
BETWEEN THE CITY OF LINCOLN, THE WEST HAYMARKET JOINT PUBLIC AGENCY, AND  
TDP PHASE ONE, LLC WHICH INCLUDES AN AMENDED AND RESTATED PLAZA/CUBE  
LICENSE AGREEMENT. (RELATED ITEMS: 15-75, 15R-162) (ACTION DATE: 8/17/15) - CLERK  
read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89189 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That Amendment No. 1 to the West Haymarket Redevelopment Agreement which is attached hereto,  
marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln, Nebraska, the  
West Haymarket Joint Public Agency, and TDP Phase One, LLC, which includes an Amended and Restated  
Plaza/Cube License Agreement, to modify the sign regulations to allow sponsorship advertising and special  
announcements on the Cube and to allow such advertising to be animated, moving, rotating, flashing, or  
noisemaking, if authorized under the City's Zoning Code or the Railyard Special Sign District, is hereby  
approved and the Mayor is authorized to execute the Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this  
Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the Owner.

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this Agreement  
to the Impact Fee Administrator.

Introduced by Leirion Gaylor Baird

Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Eskridge,  
Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

**RESOLUTIONS - 1<sup>ST</sup> READING**

AUTHORIZING THE CITY OF LINCOLN'S APPLICATION TO THE NEBRASKA GAME AND PARKS  
COMMISSION FOR FINANCIAL ASSISTANCE FROM THE RECREATIONAL TRAILS PROGRAM FOR  
RENOVATING THE MURDOCK TRAIL FROM TOUZALIN AVENUE TO NORTH 70TH STREET.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND TRANSPORT PLUS OF  
LINCOLN FOR THE ANNUAL REQUIREMENTS FOR ADA ELIGIBLE TRANSPORTATION SERVICES,  
SOLE SOURCE NO. SS-20, FOR A THREE YEAR TERM.

APPROVING AMENDMENT NO. 1 TO THE CONTRACT FOR SERVICES BETWEEN CORNHUSKER PLACE  
OF LINCOLN-LANCASTER COUNTY, INC. N/K/A BRIDGE BEHAVIORAL HEALTH AND THE CITY  
OF LINCOLN TO PROVIDE \$200,000 TO BRIDGE BEHAVIORAL HEALTH BY SEPTEMBER 15, 2015  
TO SUPPORT THE ON-GOING REMODELING PROJECT OF ITS FACILITY LOCATED AT 721 K  
STREET.

APPROVING A REQUEST TO THE CITY PERFORMANCE AUDIT ADVISORY BOARD, PURSUANT TO CHAPTER 4.66 OF THE LINCOLN MUNICIPAL CODE, TO CONDUCT A DEPARTMENT AUDIT OF THE CITY OF LINCOLN PUBLIC WORKS AND UTILITIES DEPARTMENT AND ENGINEERING SERVICES TO DETERMINE IF THERE ARE EFFICIENCIES TO BE GAINED WITH RESPECT TO THE PLANNING AND COMPLETION OF STREETS AND ROADS PROJECTS PURSUED AND COMPLETED BY SAID DEPARTMENT.

COMP. PLAN AMENDMENT 15002 - AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP FROM UNBUILT MIXED USE OFFICE CENTER TO UNBUILT NEIGHBORHOOD CENTER, ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF SOUTH 70TH STREET AND YANKEE HILL ROAD.

SPECIAL PERMIT 15041 - APPLICATION OF E & G ENTERPRISES, LLC FOR AN EARLY CHILDHOOD CARE FACILITY FOR UP TO 125 CHILDREN, WITH A REQUEST TO WAIVE THE CONVERSION PLAN, ON PROPERTY GENERALLY LOCATED AT 8120 O STREET.

AMENDING THE 2014-2016 CITY OF LINCOLN BIENNIAL OPERATING BUDGET FOR THE 2015-2016 FISCAL YEAR.

SPECIAL PERMIT 15030 - APPLICATION OF OAK LAKE EVANGELICAL FREE CHURCH TO CONSTRUCT A 85-FOOT TALL MONOPOLE FOR PERSONAL WIRELESS FACILITIES, ON PROPERTY GENERALLY LOCATED AT 3300 NORTH 1ST STREET.

**ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required)**

COMP. PLAN CONFORMANCE 15008 - DECLARING SEVEN VACANT PARCELS OF LAND GENERALLY LOCATED AT NORTH 15TH STREET AND CLAREMONT STREET AS SURPLUS PROPERTY - CLERK read an ordinance, introduced by Jane Raybould, declaring seven vacant parcels of City owned property generally located at North 15th Street and Claremont Street as surplus, the first time.

CHANGE OF ZONE 15021 - APPLICATION OF U.S. DEPARTMENT OF VETERANS AFFAIRS, VICTORY PARK PLANNED UNIT DEVELOPMENT FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT PUD, O-3 OFFICE PARK DISTRICT PUD, AND R-4 RESIDENTIAL DISTRICT PUD; FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND FOR A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW FOR A MIX OF COMMERCIAL AND RESIDENTIAL USES, ON PROPERTY GENERALLY LOCATED ON EAST SIDE OF SOUTH 70TH STREET, NORTH OF SOUTH WEDGEWOOD DRIVE - CLERK read an ordinance, introduced by Jane Raybould, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

**ADJOURNMENT**

**5:29 P.M.**

CHRISTENSEN Moved to adjourn the City Council Meeting of August 17, 2015.  
Seconded by Raybould and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

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Teresa J. Meier, City Clerk

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Alexis Traylor, Office Specialist

